4

App F IX—4

Previous References
Rev 81-39-180

1954 SS Con

File No 154
Serial Nos 72, 108, 109

Later References
Dep no 162/56-57

MYSORE GOVERNMENT SECRETARIAT

P-17
Serial Nos 3 E

Part B for August 1955

SUBJECT

Acquisition of a Portion of land Nos 7 Kawajeeriana Uruyama Sala Situated in the Jaganaketa Colony Sri Jayachamarajendra Road, Bangalore

WD 0249—GPB—25 000—16 9 55
L 5976-100 22 8 55

The Revenue Commr C & B (Neo to Rep
Commr C & B Clavrian, B & B and
Ad Commr & Reform Comm
Davangere Neo to
Commr for Leg
Deputy Commissioners & D
C.P.
Computer Reform Gazette
Cases Instructions &c. o
L9.

M G.S APP F III—1]

MYSORE GOVERNMENT SECRETARIAT

(CR)

NOTES

File No

FILE HEADING

Acquisition

FROM The Commissioner C C & S

No LAPR 49/52-53 Dated 30 11 54 Received 7 12 54

Diary No 6401 Enclos Spare copies Serial No

BRIEF ABSTRACT OF LETTER

Requests sanction under S 17 (1) of the L A Act to the acquisition of a portion of land out of Navajeevana Vyayamashala, situated in Jayachamarajendra Road, Basty for forming 20 ft wide road

Attested

NOTES AND ORDERS

Collector's No 81-39-130 has reported the land measuring 80 × 200 ft in the Malavalli Tank Bed was granted to the Balamunty, Seva Samaj for Construction of gymnasium and a swimming pool. The Corporation has proposed to acquire 80 × 20 ft from out of the above land for purpose of forming a road, so to grant Compensation as against the grant land in exchange orders have been sought under Section 17 (1) of the L A Act As the

ES—First Sheet

WD—03 52 GPI—10 000— 0-1-03

Requisition of 80x20ft for formation of a road in Journalists Colony

File No 6401/ML of 1954 J

Mysore Government Secretariat

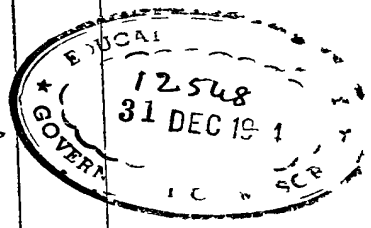
5548/Law

Intended purpose is not an urgent one requisition under S 17 appears not necessary for orders

23/12 25/12 2) The Comm requests orders under Section 17 of the LA Act. Therefore acqn may be sanctioned under Section 17 -

Secy (Law)

3/12



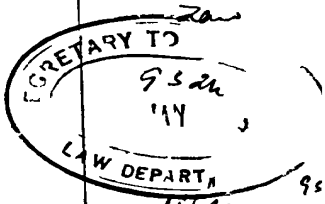
3) The Case refers to private already granted land which is also shown here. Sec 17 of the Acqn Act refers only to "waste or arable land" Land submitted - in a hurry brought under Construction can be dealt with under Town planning Law

Ok Mysore Land Acqn Act 1894 is also put up

4) For G.O. Remarks of the legal Adviser

— 31/12/54

Law Sec)



At Page 132 of Ghosh's Law of Land Requisition in his commentary to Section 17, it is observed as follows "It is also necessary in regard to Sec 17 to observe that it applies to "Waste and "Arable" lands only and not to lands occupied by Roads, Towns Buildings, gardens orchards etc Practically the same observations are

ord
4/1/55

Mysore Government Secretariat

File No 6401/misc of 1934

5548

[App F III 2

Serial No

matter at Page 132 of Synopsis of Laws Land Acquisition Act 1931. It seems from the Records the land in question was converted into a Site and a foundation also put up but the circumstances at present do not enable us to say that this case comes within the purview of "Waste" land as contemplated under Section 17 of the Land Acquisition Act

Secretary to G of G & Education

2/

6 The Law Secretary is requested to issue necessary orders with reference to para 4 of the letter

7 In view of the opinion of the Law Secretary, a general circular will be issued to the Hons of Bldrs Mysore & Bangalore and also to the Comr of L S and D-cs

8 In this case a preliminary notification will be issued calling for objections

Secy Edn & Dev)

9) Yes

10/3/35

NOTE Contn shee

Regn of 80x20 ft for formation of Rear Domestic Colony

File No 6401/ore 88/LD of 1954-55

Mysore Government Secretariat

Serial No

10) Draft Circular - put up
Draft letter

B 12/3

Draft Circular put up by Sri Naccar is Comprehensive and may perhaps be accepted

B 13/3 20/3

11) - 7/4
Secy (Local Govt)

12) The draft calls for Govt sanction & relaxation -

B 12/4/55

Law Secy)

13) Engr

Govt of Mysore 11 APR 955

Secretary to Govt Law Department 1955

Legal Asst 13/4

Mas 13/4

SO BN 13/4/55 1955

14) The notification referred to in para 12 is not found in the file. The Municipal Deptt may be requested to put up the same

SO BN 14/4

15) The Notification referred to in Para 12 may perhaps relate to the Draft Circular placed in the file. The Municipal Br will be requested to clarify the position

SO BN 14/4/55

Please bring up Mas 15/4/55

16) A revised draft is put up for consideration

Mas 28/4/55

Law Secy)

Govt of Mysore 28 APR 955

17) Secy (L & E)

Revised Scheme to Please Sheath

RD 67074—GPB—10000—5 10 54

DRAFT

18) The draft circular has been put up by the Law Secretariat Therefore it may be accepted But there is one point which has to be considered before issue of the circular, that is, at "A" in the Circular, instructions are given as follows -

"It has been laid down that the provision of the sub-section (1) of the Section 17 applies to waste and arable lands and not to lands occupied by roads tanks, buildings, gardens, orchards, et

19) But the word "land" has been defined as follows vide section 3(a) of the Land Acquisition Act -

"In this Regulation, unless there is something repugnant in the subject or context, the expression "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth "

20) The expressions underlined above show that the land includes buildings, gardens and orchards, because they are things attached earth Therefore there seems to be scope apply Section 17 even to areas where buil gardens orchards, & building sites exist It is because the word "land" is defined as to include not only the benefits arise of the land but also things attached to t earth or permanently fastened to anything attached to the earth

24) The circular, therefore, seems to give scope to question its correctness The point is brought to the kind notice of the

Acqn of 000 acs of for for Erection of Journalist Colony

col/me

88/LD 1162

before [illegible]

[illegible]

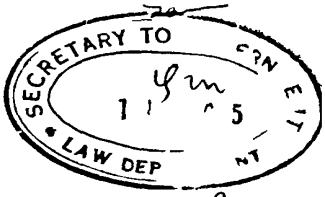
Secy (Rev & Ex) [illegible] Commissioner

for o Remarks

[illegible]

Law fo)

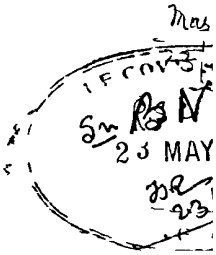
Asst Secy (Leg) 21/5



Law

21/5

Mas

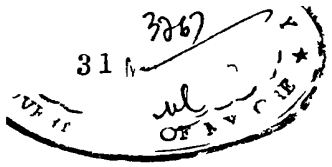


(4) The circular laid up clearly explains the scope of Section 17(1) of the Land Acquisition Act and it does not give any scope to question its correctness under Sub Section (4) of Section 17, in case of urgency, it is only the Waste or arable land needed for public purposes or for a Company that can be taken possession of by the Deputy Comm^r Since it is not all "land that can be taken ~~into~~ possession of under ~~the~~ Section 17(1) Sec^n ~~Section~~ can not be applied there is no scope to apply Section 17 to areas where buildings, gardens etc exist as stated at para 3

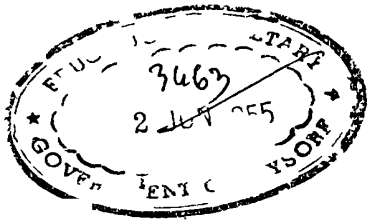
The circular does not ~~therefore~~ seem to beg any modification

Mas
Law Secy 25/5/55

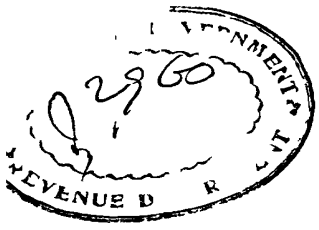
Acquisition of 80 x 12 oft for formation of Road in Journalists Col
88/L
CH01/ad Secretary – L Sh & Education) Cor
31.5.55
1276
R_L
Mas
31/5/



3867
31/5/55
Ord B
31.5.55
#27)
Ho Law opinion as
to Kuid Amsal with reference
to Para 22 Rpso No draft Circular
already put up is also for Consideration
46
(28) Dft circular for ap
Secy (Rev
L S-G)
B
4-5-55

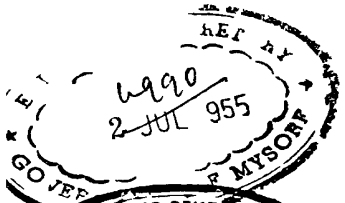


3463
2 JUL 955
GOVERNMENT
MYSORE



2960
GOVERNMENTA
REVENUE D R LIT

(29) The dft circular as bor(
approved, as a consequence
Law Deptt, before issue
B
Minister I&S
Hon'ble Minister
The Rev Secy
" Secy (Pw)
C&E CgS
29)
31) 29/6
(PW)
27 24/7/55



4990
2 JUL 955
GOVERNMENT
MYSORE

OFFICE OF THE MINISTER FOR REVENUE & PUBLIC WORKS
No 2357
6 JUL 1955

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
12 JUL 55
No 1700

EDUCATIO
GOVERN

Acqn of 50×26 ft for formation of road
6401 in Journalist Colony
Pt
2

34) May the draft Circular which has been
approved by the Laundry Issue
II draft to the Commissioners CEB is
also for approval

Pt
30/7

Mr 1/8

The II draft is for their approval

→ Issue
Issue
Pt 1/8

To the R-E
a Executive CEB
Chairman CMWSSB Road, Mysuru
and Commissioner, CMC Mysuru & Devarajuru
a Executive Asst
a DC's & DFs
a C. E
" Compiler, Mysuru Gazette
L S197&100/CM 1-54-108 & 22-8-85
Issues intimation for acquisition
under Section 17 of the Act

Published in the Gazette dated 25/8/85

To the Executive CEB
L 6119/CM 1-54-109 & 28-8-85
Directs to take the acqn
Proceedings according to the intimation
of the Circular

Pt
31/8/85

CORPORATION OF THE CITY OF BANGALORE

No L1.Pr.49/52-53
Enc 9 Resolution copies
Draft notifications 4 sets
One plan

CORPORATION OFFICES
BANGALORE 3- 12 1954
Dated 30th November 1954

FROM
THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

C-M 1-54-72

The Secretary to Government of Mysore,
L S G and Planning Departments,
Bangalore

SIR

I write to forward herewith draft notifications in duplicate under section 17 Land Acquisition Act for the acquisitic of a portion of land out of Navajeevana Vyayamashala situated in the Journalist Colony in Jayachamarajendra Road, Bangalore City, for forming a 20 feet width road to connect the new road formed in the Journalist Colony

The Corporation at their meeting held on 29-8-1952 sanctioned the acquisition of the said property Then a requisition was sent to Sri B V Bala Murthy, The Director of the Vyamashala on 6-5-1953 with a request to give back to the Corporation the area of land measuring 80' x 20' for the said purpose out of the land measuring 80' x 200' granted to the Vyayamashala free of cost as per G O No L 10573-4/M1 81-39-130 dated 28-6-1940 as the same would be required for a public amenity In response, the Director of the institution presented an appeal petition to this office on 25-5-1953 with a request to grant the adjacent site available on the eastern side of the Vyayamashala land in exchange of the land now proposed to be acquired for by the Corporation for a 20 feet width road

Then after obtaining a sketch from the Corporation Engineer, the matter was again placed before the Standing Committee (T P & I) and T & F) for considering the question of grant of exchange of land to the said institution in lieu of its land proposed to be acquired for a public purpose The Standing Committees resolved to grant the Corporation land measuring 40' x 80' situated towards east of Vyayamasala in lieu of the lan

(2

to be acquired But the Corporation after having inspected the spot on 18-3-1954 resolved at their meeting held on 20-4-1954 not to grant the Corporation land to the Vyayamashala in exchange and the compensation should be paid to the said institution as per estimate They further resolved that the entire site situated to the east be sold by public auction Separate action is being take to auction the said site Copies of the resolutions of the Corporation dated 29-8-1952 and 20-4-1954 are herein enclosed for favour of kind reference

The estimated cost of acquisition amounting to Rs.1,187/- being the value of foundation laid on the land under acquisition ar also the value of the land as per market rate will be met out of th Corporation funds in current year's budget allotment

In this connection it may be stated that the starting of acquisition proceedings was delayed due other various reasons as the road has to be formed immediately, notifications under section 17 Land Acquisition Act have been prepared and sent herewi for favour of arranging publication in the official gazette

I request that sanction of Government may kindly be obtai for the said proposal authorising me to take order for the acquisi of this property which contains only vacant land with foundation under section 17 Land Acquisition Act

The Compiler, Mysore Gazette may be requested to send 20 spare copies of notifications of each set to this office as usu The sketch of the property is also enclosed herewith for reference

Forwarded with compliments

Seetha Ram

(H S Seetharam,)
MAYOR

Yours faithfully,

K Henjerappa 30/11

(K Henjerappa,)
COMMISSIONER

30/11

TNL/-
30/11/54

3)

Resolution passed at the Adjourned Meeting of the Corporation of the City of Bangalore held on 20th April 1954

---

40 Deferred Subject No 72/30-11-53 - Recommendation of the Standing Committee (Taxation and Finance) dated 29-10-1953 and of the Standing Committee (Town Planning & Improvements) dated 23-9-1953 that the land measuring 40' x 80' or 355 -5/9 sq yards to the ~~west~~ east of Navajeevana Vyayamashala in Jayachamarajendra Road be granted to Navajeevana Vyayamashala in lieu of compensation to be paid to the Director of the above Vyayamashala for the portion of his land to be taken over for forming a 20' width road to connect the new road formed in the Journalist Colony (Spot inspected by the Corporation on 18-3-1954)

Sri V P Deenadayalu Naidu moved the following resolution

Resolved that the recommendation of the Standing Committee (Taxation & Finance) dated 29-10-1953 and of the Standing Committee (Town Planning & Improvements) dated 23-9-1953 that the land measuring 40' x 80 or 355-5/9 sq yards to the east of Navajeevana Vyayamashala in Jayachamarajendra Road be granted to Navajeevana Vyayamashala in lieu of compensation to be paid to the Director of the above Vyayamashala for the portion of his land to be takan over for forming a 20' width road to connect the new road formed in the Journalist Colony, be not approved "

Resolved further that compensation as suggested in the office note viz , Rs.1,187/- only be paid to the Vyayamashala authorities and that the entire site to the east be sold by public auction

Sri P S K Naidu seconded the resolution and it was passed

Sd H S Seetharam,
Mayor

Copy"

K Parameswar
For Commissioner

TNL/-
30/11/54

Resolution passed at the Ordinary General Meeting of the Corporation of the City of Bangalore held on 29th August 1952

---

10 Recommendation of the Standing Committee (Town Planning and Improvements), dated 5th June 1951, that the road from Thayappa's lay-out be continued towards north by forming a 20 feet road through the Navajeevana Vyayamasala land to connect the new road formed in the Journalist Colony, that compensation be paid to the Vyayamasala for the foundation on the land to be taken for the formation of the road and an actual extent of land be given in exchange out of the Corporation land and the land left after the above grant be formed into shop sites 35 feet deep each facing the Jayachamarajendra Road, and that all the above sites be put into public auction early and the recommendation of the Standing Committee (Taxation and Finance) dated 27th October 1951, that the proceedings of the Standing Committee (Town Planning and Improvements), be not approved and that there is no need to acquir any land of the Vyayamasala, and that shop sites be put up along Town Hall Road and disposed of by auction

(Spot inspected by the Corporation on 3rd June 1952)

Sri A V K Ram moved the following resolution -

"Resolved that the recommendation of the Standing Committee (Town Planning and Improvements) dated 5th June 1951, that the road from Thayappa s layout be continued towards north by forming a 20 feet road through the Navajeevana Vyayamsala land to connect the new road formed in the Jounnalist Colony, be approved and that compensation be fully paid to the Vyayamsala including the foundation of the building affected "

Sri N Pamamurthy seconded the resolution and it was passed

Sd K Narayana,
Presiding Councillor

Copy

For Commissioner

TNL/-
30/11/54

Draft I No L5976100/CH 1-54-108
D 22/8/55.

5

CIRCULAR

20 Copies
1894

According to sub-section (1) of section 17 of the Mysore Land Acquisition Act, 1884 (Mysore Act VII of 1884) in case of urgency whenever the Government so directs the Deputy Commissioner, though no award has been made under section 11, on the expiration of fifteen days from the publication of a notice mentioned in sub-section (1) of section 9, take possession of any waste or arable land needed for public purposes or for a company and such land will thereupon vest absolutely in Government free from all encumbrances ~~Subject~~ Sub-section (4) of the same section empowers the Government to direct that the provisions of section 5 A shall not apply in the case of any land to which the provisions of sub-section (1) are applicable and if it does so direct the declaration may be made under section 6 in respect of land at any time after the publication of the notification under sub-section (1) of section 4. The special powers contemplated in the above provisions can be invoked in case of urgency and only in respect of any waste or arable land needed for public purposes or for a company as has been clearly laid down in sub-section (1) of section 17. It is however noticed that in several cases recommendations are made to Government to invoke the provision of section 17 in respect of all kinds of immovable properties whether they fall under the provisions of specified in sub-section (1) of section 17 or not. It has been laid down that the provision of sub-section (1) of section 17 applies to waste and arable lands and not to lands occupied by roads, tanks, buildings, gardens, orchards, etc. All authorities make recommendations for acquisition of lands

are therefore requested to take
~~should~~, note the scope of sub-section (1) of

section 17 of the Mysore Land Acquisition Act, 1894,
as indicated above
and avoid making recommendations for action

under that section where the property to be

acquired is not waste or arable land

4 6 [illegible]

Secretary to Government,
Education & L S G Departments

To

The Revenue Commissioner
The Commissioner, C C B thro' the Mayor
The Chairman, C I I B of Bangalore & Mysore
The Mn Commr of Mysore & Davangere through
the Presidents
The Commissioner for L S G
The Deputy Commissioners of Districts
The Chief Engineer
Comptroller, Mysore Gazette

[illegible]
14/4/55

Mas
28/4/55

Draft II

Appendix F G —1]

SUBJECT Acquisition of a Portion of land out of Nalvadeva Vyayamashala Site in the Journalists Colony, Sri Jayachamarajendra Co Bdh

Diary No of letter reply d to 6401

Mysore Government Secretariat

( )

the 195

Date of issue

Signed by

List of enclosures

Copied by

Exam ned by

Section

File No 1-5

Serial No 109

No L 6119/ with Rend D 25/01

To The Commissioner through the Mayor

Sir

Ref. your L.Dis no L4 PR 49/5 dated 30-11-54

With reference to the above, ~~I am directed to request you~~ and in continuation of the Circular No LS976-100/54 1-54-108 dated 22-8-55 I am directed to state that acquisition proceedings cannot be taken up under Section 17 of the L.A. Act

for the reasons explained
in the Circular ~~No.~~ refers to above ~~dt. sent to~~ ~~Collectorate~~
necessary action may
kindly be taken to expedite the normal course
~~under Section 14~~
~~Date 24.8.68~~ the
Necessary Returns may
records are returned
herewith
kindly be sent in this
behalf and
the records are
returned herewith

X. D
9/8
for Secretary
Ed. Deptt
Govt

Asst
14/8

S O

GOVERNMENT OF MYSORE

EDUCATION AND LOCAL SELF GOVERNMENT DEPARTMENTS

G O No L 5976 100—C M 1 54 108 dated 22nd August 1955

Acquisition Proceedings

Issues instructions in respect of —— under Section 17 of the Land Acquisition Act

CIRCULAR

No L 5976 100—C M 1 54 108 DATED BANGALORE THE 22ND AUGUST 1955

According to sub section (1) of Section 17 of the Mysore Land Acquisition Act 1894 (Mysore Act VII of 1894) in case of urgency whenever the Government so directs the Deputy Commissioner though no award has been made under Section 11 may on the expiration of fifteen days from the publication of a notice mentioned in sub section (1) of Section 9 take possession of any waste or arable land needed for public purposes or for a company and such land will thereupon vest absolutely in the Government free from all encumbrances Sub section (4) of the same section empowers the Government to direct that the provisions of Section 5 A shall not apply in the case of any land to which the provisions of sub section (1) are applicable and if it does so direct the declaration may be made under Section 6 in respect of the land at any time after the publication of the notification under sub section (1) of Section 4 The special powers contemplated in the above provisions can be invoked in case of urgency and only in respect of any waste or arable land needed for public purposes or for a company as has been clearly laid down in sub section (1) of Section 17 It is however noticed that in several cases recommendations are made to Government to invoke the provisions of Section 17 in respect of all kinds of immovable properties whether they fall under the provisions specified in sub section (1) of Section 17 or not It has been laid down that the provision of sub section (1) of Section 17 applies to waste and arable land and not to land occupied by roads tanks building gardens orchards etc All authorities who make recommendation for acquisition of lands are therefore requested to take note the scope of sub section (1) of Section 17 of the Mysore Land Acquisition Act 1894 as indicated above and avoid making recommendations for action under that section where the property to be acquired is not waste or arable land

B M KRISHNAN
Secretary to Government
Education and Local
Self Government Departments

To—The Revenue Commissioner in Mysore Bangalore
The Commissioner Corporation of the City of Bangalore through the Mayor
The Chairman City Improvement Trust Boards Bangalore and Mysore
The Municipal Commissioners of Mysore and Davangere City Municipalities through the Presidents concerned
The Commissioner for Local Self Government in Mysore Bangalore
The Deputy Commissioners of District
The Chief Engineer of Mysore Bangalore
The Compiler *Mysore Gazette*

Exd —B G S

WD 1032 GPB—363—30-8-55

9

No L 6119/CM 1-54-109
Dated 25/8/55

The
Education & L S G Departments

The Commissioner,
Corportion of the City of Bangalore
thro' the Mayor

Sir,

Subject Acquisition of a portion of land out of Navaneevana Vyayamasala situated in the Journalists Colony - Sri Jayachamarajendra Road, Bangalore.

Reference Your letter No LA (P) 49/52-53 dated 30-11-1954

With reference to the above and in continuation of the Circular No L 5976-100/CM 1-54-108 dated 22 8-55 I am directed to state that acquisition proceedings cannot be taken up under Section 17 of the Land Acquisition Act for the reasons explained in the Circular referred to above. Necessary action may kindly be taken to acquire the land in the normal course. Preliminary Notifications may kindly be sent in this behalf early. The records are returned herewith.

Yours faithfully,

(V Hanumanthappa)
for Secretary to Government,
Education & L S G Departments

kn-2/14 8